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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,526	04/07/2004	Andrew Valdez	VLD 301	8335
<div>7590 John M. Anderton Kolisch Hartwell, P.C 200 Pacific Building 520 S.W. Yamhill Street Portland, OR 97204</div>			<div>EXAMINER ADDISU, SARA</div>	
			ART UNIT	PAPER NUMBER
			3722	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/05/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/820,526

Applicant(s)

VALDEZ, ANDREW

Examiner

Sara Addisu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 7, 8, 12-15, 17 and 24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7, 8, 13-15, 17 is/are rejected.
- 7) ☒ Claim(s) 12 and 24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This Office Action is in response to the amendment filed 10/4/06. Claims 9-11 and 16 are cancelled. New claim 24 has been added. Currently, claims 7, 8, 12-15, 17 and 24 are pending in this application.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7, 8, 13-15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brydon (USP 5,114,285) in view of Morita et al. (USP 5,058,285).

Brydon teaches a template (10) for preparing a door (20) for mounting a hardware having first and second spaced apart, aligned, substantially parallel faces (50, 60) with first and second sets of perforations (80), third perpendicular face (70) with a third set of perforations (80) forming a channel ('285, figure 4). Please note that in figure 4, Brydon teaches perforations (80A and 80B :see figure below) on the parallel faces, at least in part, not being aligned (i.e. the lower holes 80A do not line up with 80B). Furthermore, Brydon teaches the first, second, and third sets of perforations configured to correspond to the position of door fixture mounting holes ('285, col. 1,

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lines 47-51). Regarding claim 8, the substantially parallel faces are spaced from each other at the third face a distance greater than a thickness of the door and the template is configured to mount over a door edge with a slip fit (see fig. 4). Although Brydon does not disclose the template allowing the door to be in a closed position, it would have been an obvious matter of design choice to modify the template of Brydon with the thickness of the template faces being sized to allow the door to move to the closed position with the template mounted on the door edge, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. Brydon also teaches the first, second, and third sets of perforations configured to correspond to the position of door fixture mounting holes (see column 1, lines 47-51). Regarding claims 13 and 17, Brydon teaches the three sided template being formed from a rigid material, therefore it would not deflect ('285, abstract, lines 1-2).

However, Brydon fails to teach a first, second, and third group of one or more lines connecting and identifying the first, second, and third sets of perforations in the template.

Morita et al. teaches a template (1) comprising a group of one or more lines (6, 7) connecting and identifying each of the sets of perforations in the template ('285, figure 1a and col. 2 lines 61-64 and col. 3, lines 15-17).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the template of Brydon, in view of Morita et al., such that it would provide the template of Brydon with the concept of having lines

Fig. 4 is a perspective view of a rectangular block 10. The block has a top flange 5 and a bottom flange 5. A vertical slot 80 is formed in the front face, containing a series of circular features 80B. The block is secured by a band 90 with fasteners 80. Dimensions 120 and 70 are indicated. A dashed line 10 is shown on the side face.

### ***Response to Arguments***

Applicant's arguments with respect to claims 7 and 14 have been considered but are moot in view of the new ground(s) of rejection.

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***Allowable Subject Matter***

Claims 12 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara Addisu at (571) 272-6082. The examiner can normally be reached on 8:30 am - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica Carter can be reached on (571) 272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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4/2/07

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SUPERVISORY PATENT EXAMINER